

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Range Fencing at Fox and Long Creeks

**Project No.:** 1984-021-00

**Project Manager:** Jesse Wilson

**Location:** Grant County, Oregon

**Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021):** B1.20 Protection of Cultural Resources, Fish and Wildlife Habitat

**Description of the Proposed Action:** Bonneville Power Administration (BPA) proposes to fund Oregon Department of Fish and Wildlife to install new fencing within the John Day Basin in Grant County, Oregon.

Fox Creek fence at 44.641980, -119.163842: Construction of approximately 1.3 miles of riparian protection fence, including one water gap for cattle crossing and ten gates, to protect 15 acres of steelhead habitat on private property would begin under appropriate conditions as early as January 2021.

Long Creek fence at 44.661559, -118.933635: Construction of approximately 0.7 miles of riparian protection fence. This work would protect approximately 2 acres of steelhead habitat in the Malheur National Forest and may be constructed as soon as January 2021.

These actions would support conservation of ESA-listed species considered in the 2020 ESA consultation with National Marine Fisheries Service on the operations and maintenance of the Columbia River System, while also supporting ongoing efforts to mitigate for effects of the FCRPS on fish and wildlife in the mainstem Columbia River and its tributaries pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) (16 U.S.C. (USC) 839 et seq.).

**Findings:** In accordance with Section 1021.410(b) of the Department of Energy's (DOE) National Environmental Policy Act (NEPA) Regulations (57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36221-36243, Jul. 9, 1996; 61 FR 64608, Dec. 6, 1996, 76 FR 63764, Nov. 14, 2011), BPA has determined that the proposed action:

- 1) fits within a class of actions listed in Appendix B of 10 CFR 1021, Subpart D (see attached Environmental Checklist);
- 2) does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal; and
- 3) has not been segmented to meet the definition of a categorical exclusion.

Based on these determinations, BPA finds that the proposed action is categorically excluded from further NEPA review.

/s/ Israel Duran

Israel Duran  
Contract Environmental Protection Specialist  
Salient/CRGT

Reviewed by:

/s/ Chad Hamel

Chad Hamel  
Supervisory Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel                      February 1, 2021

Sarah T. Biegel                      Date  
NEPA Compliance Officer

Attachment(s): Environmental Checklist

# Categorical Exclusion Environmental Checklist

This checklist documents environmental considerations for the proposed project and explains why the project would not have the potential to cause significant impacts on environmentally sensitive resources and would meet other integral elements of the applied categorical exclusion.

**Proposed Action:** Range Fencing at Fox and Long Creeks

## **Project Site Description**

Fencing installation would occur on Fox and Long creeks, which are tributaries to the John Day River in Grant County, Oregon. Fox Creek fencing would occur on privately-owned property approximately one mile southwest of Fox, Oregon. Many years of grazing has generally depleted the riparian vegetation along Fox Creek, and shrubs and trees are lacking. The Fox Creek project area contains a more robust riparian plant community than much of the nearby area.

Long Creek fencing would occur wholly within the Malheur National Forest approximately eight miles southeast of Long Creek, Oregon.

## **Evaluation of Potential Impacts to Environmental Resources**

### **1. Historic and Cultural Resources**

Potential for Significance: No

Explanation: A BPA Archaeologist reviewed proposed activities and determined that activities are covered under an existing Section 106 consultation. In the event any archaeological material is encountered during project activities, work would be stopped immediately and a BPA Archaeologist and Historian would be notified, as well as consulting parties.

### **2. Geology and Soils**

Potential for Significance: No

Explanation: Minor, temporary impact to soils and geology during fence construction.

### **3. Plants (including Federal/state special-status species and habitats)**

Potential for Significance: No

Explanation: No Federal or State special-status plant species are within the project site. Staging and installation may require minor disturbance, but no broad-scale vegetation removal is proposed.

### **4. Wildlife (including Federal/state special-status species and habitats)**

Potential for Significance: No

Explanation: No Federal or State special-status wildlife species are within the project site. Minor, temporary impacts to local wildlife from human presence and noise during installation are expected.

## **5. Water Bodies, Floodplains, and Fish (including Federal/state special-status species, ESUs, and habitats)**

Potential for Significance: No

Explanation: Endangered Species Act (ESA)-listed fish species (steelhead) and their designated critical habitats are present in Fox Creek and Long Creek. No action proposed would physically alter any aquatic habitat site; there would be no adverse physical changes to water bodies, floodplains, or fish from these actions.

Notes:

- HIP conservation measures would be applied for the fence installation. ESA HIP consultation for these actions was submitted to the National Marine Fisheries Service under consultation #WCRO-2020-00102.

## **6. Wetlands**

Potential for Significance: No

Explanation: The proposed fencing sites are not within any wetland complexes, nor would any be disturbed by the work.

## **7. Groundwater and Aquifers**

Potential for Significance: No

Explanation: The proposed fencing sites would not impact groundwater or aquifers.

## **8. Land Use and Specially-Designated Areas**

Potential for Significance: No

Explanation: The fencing construction would not change land use or the designation of any land.

## **9. Visual Quality**

Potential for Significance: No

Explanation: Visual quality of immediate project areas may be impacted during project activities due to equipment staging and completed structures, but impacts would be short term as structures restore habitat functionality.

## **10. Air Quality**

Potential for Significance: No

Explanation: Air quality may be impacted by the additional travel to project sites, but impacts would be local and temporary in nature.

## **11. Noise**

Potential for Significance: No

Explanation: Work activities would raise noise levels above ambient levels for short periods of time, but only during regular working hours until work is completed.

## 12. Human Health and Safety

Potential for Significance: No

Explanation: All applicable safety regulations would be followed during work activities.

### Evaluation of Other Integral Elements

The proposed project would also meet conditions that are integral elements of the categorical exclusion. The project would not:

**Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders.**

Explanation: NA

**Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.**

Explanation: NA

**Disturb hazardous substances, pollutants, contaminants, or CERCLA excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases.**

Explanation: NA

**Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.**

Explanation: NA

### Landowner Notification, Involvement, or Coordination

Description: Work would occur at Fox Creek on privately-owned land. The landowner and ODFW would enter into a 15-year Cooperative Agreement. Work would occur within Malheur National Forest managed by the US Forest Service.

Based on the foregoing, this proposed project does not have the potential to cause significant impacts to any environmentally sensitive resource.

Signed: /s/ Israel Duran February 1, 2021  
Israel Duran, EC-F Date  
Contract Environmental Protection Specialist  
Salient/CRGT